



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,631	10/19/2001	Christophe Beraud	020552-000410US	9793
20350	7590	12/24/2003	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			MONSHIPOURI, MARYAM	
			ART UNIT	PAPER NUMBER
			1652	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,631

Applicant(s)

BERAUD ET AL.

Examiner

Maryam Monshipouri

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 6-9 and 15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Applicant's response to restriction requirement filed 10/6/2003 is acknowledged. Applicant elected Group II invention, directed to claims 6-9 and 15 without traverse. Claims 1-5 and 10-14 are canceled. Claims 6-9 and 15 are still at issue.

Upon review of the previous office action, further restriction deemed necessary as shown below:

**Group IIA:** Claims 6-9 and 15, directed to a human kinesin protein named KSP and L360, K491, S553 peptides derived from said protein, classified in class 435, subclass 196.

**Group IIB:** Claims 6-8 and 15, directed to a human kinesin protein named CENP-E and M329, T340, S405, V465, T488 peptides derived from said protein, classified in class 435, subclass 196.

**Group IIC:** Claims 6-9 and 15, directed to a human kinesin protein named MKLP1 and E433, R494, E658 peptides derived from said protein, classified in class 435, subclass 196.

**Group IID:** Claims 6-9 and 15, directed to a human kinesin protein named HSET and K519, E152.2, Q151.2 peptides derived from said protein, classified in class 435, subclass 196.

**Group IIE:** Claims 6-9 and 15, directed to a human kinesin protein named Kif15, classified in class 435, subclass 196.

**Group IIF:** Claims 6-8 and 15, directed to a human kinesin protein named Kin2 and FL1, P166, H195, FL2 peptides derived from said protein, classified in class 435, subclass 196.

Art Unit: 1652

**Group IIG:** Claims 6-9 and 15, directed to a human kinesin protein named Kif1A, classified in class 435, subclass 196.

**Group IIH:** Claims 6-8 and 15, directed to a human kinesin protein named MCAK and M1, M2, M3, M4, M5, M6 peptides derived from said protein, classified in class 435, subclass 196.

**Group II (I),** Claim 15 directed to directed to Kid peptides A2N370 and A2M511, classified in class 435, subclass 69.1.

**Group IIJ ,** Claim 15 directed to directed to ATSV peptides Q353 and M472, classified in class 435, subclass 69.1.

**Claims IIK:** Claim 9 directed to BimC kinsein protein, classified in class 435, subclass 196.

The inventions are distinct, each from the other because of the following reasons: each invention is directed to a product of unrelated chemical structure and function.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

Art Unit: 1652

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maryam Monshipouri whose telephone number is (703)308-1235. The examiner can normally be reached on 7:00 a.m to 5:30 p.m. except for Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnanthapu Achutamurthy can be reached on (703)308-3804. The fax phone number for the organization where this application or proceeding is assigned is (703)308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0196.

MARYAM MONSHIPOURI, PH.D.  
PRIMARY EXAMINER

\*\*\*

M Monshipouri  
MARYAM MONSHIPOURI, PH.D.  
PRIMARY EXAMINER